

Practitioner's Docket No. 48997 (70184)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kovar et al.

Application No.: 09/781,682

Group No.: 1711

Filed: February 12, 2001

Examiner: S. McClendon

For: NO VOC RADIATION CURABLE RESIN COMPOSITIONS

Box Issue Fee  
Assistant Commissioner for Patents  
Washington, D.C. 20231

TRANSMITTAL OF PAYMENT OF ISSUE FEE

CERTIFICATE OF MAILING

I, the undersigned, do hereby certify that I have on the date set below, deposited this document and all related documents with the United States Postal Service, Postage Prepaid, First Class, to the Commissioner for Patents, U.S. Patent & Trademark Office, Washington, DC 20231.

Date: March 20, 2003

By:

*Maggie C. Hamelin*  
Maggie C. Hamelin

1. Applicant has been informed that a Notice of Allowability has been issued for U.S. Serial No. 09/781,682 on December 20, 2002. As a result of an address change in connection with this application, there has been a delay in Applicant receiving the original Notice of Allowability. Applicant hereby timely pays the issue fee for the above-referenced patent application.
2. Applicant hereby provides the following information for the PTOL-85 Fee Transmittal form:
  - (a) PTOL-85 #2: Name of Single Firm and Names of 2 Registered Patent Attorneys or Agents:
    1. Linda M. Buckely
    2. John B. Alexander, Ph.D.
    3. Edwards & Angell, LLP
  - (b) PTOL-85 #3: Assignee Name and Residence Data To Be Printed on the Patent:
    - (A) Name of Assignee: Foster-Miller, Inc.
    - (B) Residence: Waltham, Massachusetts
3. Applicant enclosing an Assignment and Assignment Cover Sheet to be recorded in the above-referenced application. Also enclosed is a copy of the Notice of Assignment Recordation and Assignment document, which was filed in U.S. Provisional Application 60/220,988. [Recordation Date: December 27, 2000 and Reel/Frame: 011423/0423.

03/31/2003 MBIZUNE2 00000097 09781682

01 FC:1504  
02 FC:8001  
03 FC:2501

300.00 OP  
30.00 OP  
650.00 OP

3. Fee (37 C.F.R. section 1.18(a) and (b)):

Application status is: Regular

☒ small business entity fee ☐ \$ 650.00

☐ statement attached

☐ statement filed on \_\_\_\_\_

☐ other than a small entity fee ☐ \$1,300.00

4. Publication fee ☒ \$ 300.00

5. Advanced order of 10 soft copies of patent fee ☒ \$ 30.00

**Fees Enclosed: \$ 980.00**

**PAYMENT OF FEES**

☒ Enclosed please find a check for \$980.00.

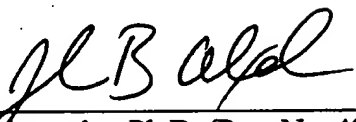
☒ Charge Account 04-1105 for any fee deficiency.

☒ Charge Account 04-1105 the sum of \$ 40.00. (Assignment Recordation Fee)

A duplicate of this request is attached.

Respectfully submitted,

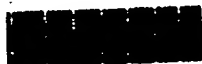
Date: March 20, 2003

  
John B. Alexander, Ph.D. (Reg. No. 48,399)  
Dike, Bronstein, Roberts & Cushman  
Intellectual Property Practice Group  
EDWARDS & ANGELL, LLP  
P. O. Box 9169  
Boston, MA 02209

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Customer No. 21874

BOS2\_329866.1



**21874**

PATENT TRADEMARK OFFICE



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

## NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

12/20/2002

Dike, Bronstein, Roberts & Cushman  
Intellectual Property Practice Group  
Edwards & Angell, LLP  
130 Water Street  
Boston, MA 02109

EXAMINER

MCCLENDON, SANZA L

ART UNIT

CLASS-SUBCLASS

1711

522-006000

DATE MAILED: 12/20/2002

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,682	02/12/2001	Robert F. Kovar	48997 (70184)	6125

TITLE OF INVENTION: NO VOC RADIATION CURABLE RESIN COMPOSITIONS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$640	\$300	\$940	03/20/2003

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

## HOW TO REPLY TO THIS NOTICE:

## I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
- B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
- B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.
- ☐ Applicant claims SMALL ENTITY status.  
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

Complete and send this form, together with applicable fee(s), to: **Mail** Box ISSUE FEE  
**Commissioner for Patents**  
**Washington, D.C. 20231**  
**Fax (703)746-4000**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

**CURRENT CORRESPONDENCE ADDRESS** (Note: Legibly mark-up with any corrections or use Block 1)

7590 12/20/2002

**Dike, Bronstein, Roberts & Cushman**  
**Intellectual Property Practice Group**  
**Edwards & Angell, LLP**  
**130 Water Street**  
**Boston, MA 02109**

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,682	02/12/2001	Robert F. Kovar	48997 (70184)	6125

**TITLE OF INVENTION:** NO VOC RADIATION CURABLE RESIN COMPOSITIONS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$640	\$300	\$940	03/20/2003

EXAMINER	ART UNIT	CLASS-SUBCLASS
MCCLENDON, SANZA L	1711	522-006000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_

## **3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)**

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) ☐ individual ☐ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee
- ☐ Publication Fee
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Commissioner is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE(S)

**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/781,682

02/12/2001

Robert F. Kovar

48997 (70184)

6125

7590

12/20/2002

EXAMINER

MCCLENDON, SANZA L

Dike, Bronstein, Roberts & Cushman  
Intellectual Property Practice Group  
Edwards & Angell, LLP  
130 Water Street  
Boston, MA 02109

ART UNIT

PAPER NUMBER

1711

DATE MAILED: 12/20/2002

**Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)**  
(application filed on or after May 29, 2000)

The patent term adjustment to date is 43 days. If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the term adjustment will be 43 days.

If a continued prosecution application (CPA) was filed in the above-identified application, the filing date that determines patent term adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system. (<http://pair.uspto.gov>)

Any questions regarding the patent term extension or adjustment determination should be directed to the Office of Patent Legal Administration at (703)305-1383.

**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/781,682

02/12/2001

Robert F. Kovar

48997 (70184)

6125

7590

12/20/2002

EXAMINER

MCCLENDON, SANZA L

Dike, Bronstein, Roberts & Cushman  
Intellectual Property Practice Group  
Edwards & Angell, LLP  
130 Water Street  
Boston, MA 02109  
UNITED STATES

ART UNIT

PAPER NUMBER

1711

DATE MAILED: 12/20/2002

**Notice of Fee Increase on January 1, 2003**

If a reply to a "Notice of Allowance and Fee(s) Due" is filed in the Office on or after January 1, 2003, then the amount due will be higher than that set forth in the "Notice of Allowance and Fee(s) Due" since there will be an increase in fees effective on January 1, 2003. See Revision of Patent and Trademark Fees for Fiscal Year 2003; Final Rule, 67 Fed. Reg. 70847, 70849 (November 27, 2002).

The current fee schedule is accessible from: <http://www.uspto.gov/main/howtofees.htm>.

If the issue fee paid is the amount shown on the "Notice of Allowance and Fee(s) Due," but not the correct amount in view of the fee increase, a "Notice to Pay Balance of Issue Fee" will be mailed to applicant. In order to avoid processing delays associated with mailing of a "Notice to Pay Balance of Issue Fee," if the response to the Notice of Allowance and Fee(s) due form is to be filed on or after January 1, 2003 (or mailed with a certificate of mailing on or after January 1, 2003), the issue fee paid should be the fee that is required at the time the fee is paid. If the issue fee was previously paid, and the response to the "Notice of Allowance and Fee(s) Due" includes a request to apply a previously-paid issue fee to the issue fee now due, then the difference between the issue fee amount at the time the response is filed and the previously paid issue fee should be paid. See Manual of Patent Examining Procedure, Section 1308.01 (Eighth Edition, August 2001).

Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

TC-7

<b>Notice of Allowability</b>	Application N .	Applicant(s)	
	09/781,682	KOVAR ET AL.	
	Examiner	Art Unit	
	Sanza L McClendon	1711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--  
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/7/2002.
2. ☒ The allowed claim(s) is/are 1-13, 15-42 and 44-74.
3. ☒ The drawings filed on 12 February 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____.            |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____.              | 6 <input type="checkbox"/> Examiner's Amendment/Comment                             |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | 9 <input type="checkbox"/> Other  |

Art Unit: 1711

#### DETAILED ACTION

##### *Response to Amendment*

1. In response to the Amendment received on November 7, 2002, the examiner has carefully considered the amendments. The examiner acknowledges the cancellation of claims 17 and 43. The claim rejection under 35 U.S.C. § 112, 2nd paragraph for claim 73 have been overcome by the amendment and has hereby been withdrawn for consideration. The objection of claim 19 has been withdrawn from consideration in view of the amendment to said claim.

##### *Response to Arguments*

2. Applicant's arguments filed November 07, 2002 have been fully considered and found persuasive. The rejection of claims 1-7, 20-21, 24-36, 41-42, 45-46, 54, 56-58, and 67-73 under 35 USC 102(b) as being anticipated by Kovar et al (5,977,269) has been withdrawn. The rejection of claims 1-7, 20-39, 41-54, and 56-73 under 35 USC 103(a) as being unpatentable over Kovar et al (5,977,269) has been withdrawn. After reconsideration, the examiner agrees with applicant's arguments that one of ordinary skill in the art would not have found it obvious from the teachings in Kovar et al to polymerize the polyester/vinyl dioxolane-containing coating composition in the presence of a photoinitiator and irradiating with an ionizing radiation source. It is clear from Kovar that said coating compositions are to be thermally cured. Although Kovar et al teaches using peroxides as a free radical initiator for the coating composition, Kovar et al does not provide the necessary guidance for a skilled artisan to polymerize said coating composition, in the presence of peroxide or any other photoinitiator, using ionizing radiation. Therefore, the instant application is distinguished over the prior art.

#### EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as



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provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Alexander on December 18, 2002.

The application has been amended as follows:

In claim 58, line 3, please insert after the words "*volatile organic components*", the phrase "on a substrate".

*Allowable Subject Matter*

4. Claims 1-13, 15-42, and 44-74 are allowed.
5. The following is an examiner's statement of reasons for allowance:

The prior art fails to teach a radiation curable composition containing essentially no VOC comprising; at least one vinyl dioxolane end-capped oligomer and at least one photoinitiator to initiate polymerization of said oligomer. Wherein, the examiner contends that said photoinitiators are intended to be those taught in the specification on page 9, lines 15-30. The prior art fails to teach a radiation curable composition containing essentially no VOC comprising (a) at least one polyester prepolymer that comprises the reaction product of (1) at least one substituted vinyl dioxolane monomer having the formula in claim 54 and (2) at least one of the compounds found in claim 54; and (2) at least one photoinitiator to initiate UV or visible light curing of said composition. Nor does the prior art teach a method providing a radiation curable polymer coating, wherein the method comprises applying a radiation curable coating composition to a substrate, wherein said composition contains essentially no volatile organic components and at least one vinyl-dioxolane end-capped oligomer and a photoinitiator, then enabling radiation to cure said composition.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 1711

*Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanza L McClendon whose telephone number is (703) 305-0505. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

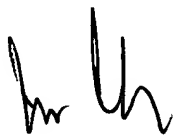
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (703) 308-2462. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0657.

Sanza L McClendon  
Examiner  
Art Unit 1711

SMc

December 18, 2002

  
James J. Seidleck  
Supervisory Patent Examiner  
Technology Center 1700